Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Updated Information	)	
And Comment Sought on Review	)	WT Docket No. 10-254
of Hearing Aid Compatibility Regulations	)	
	)	

To: Wireless Telecommunications Bureau

COMMENTS OF CTIA–THE WIRELESS ASSOCIATION®

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EXECUTIVE SUMMARY

CTIA is pleased to submit these comments on the recent *Public Notice* seeking to update the public record on the state of the Commission's wireless hearing aid compatibility ("HAC") rules. The HAC regime and its implementation by the wireless industry are a success for hearing aid users and a model for accessibility policy. CTIA respectfully requests the Bureau to recommend that the Commission:

- Stay the course with respect to the current HAC regime, without, for example, adjusting the current rules as they apply to inductive coupling using telecoils, but encouraging the hearing device industry to adopt "off the shelf" standardized technologies that are already supported by wireless manufacturers;
- Recognize that the current rules and the marketplace provide consumers and other stakeholders multiple sources of HAC information;
- Adopt extremely targeted changes to HAC technical requirements, specifically by permitting all service providers and manufacturers to enable users to power down a GSM handset at 1900 MHz in order to achieve an M3 rating and by working with industry to issue as soon as possible guidance for HAC compliance for Voice over Long Term Evolution ("VoLTE") technology;
- Avoid unnecessary rule changes that would complicate industry compliance and Commission enforcement; and
- Work with the Food and Drug Administration ("FDA") and the hearing aid industry, in addition to the wireless industry, to develop a coordinated approach to further enhance the compatibility of hearing aid devices with wireless handsets through innovative technologies and better educate hearing aid device users about the HAC rating system.

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I. INTRODUCTION

CTIA–The Wireless Association® ("CTIA")[1] is pleased to comment on the *Public Notice* released by the Wireless Telecommunications Bureau (the "Bureau")[2] to update information about the Commission's wireless hearing aid compatibility ("HAC") rules gathered in the above-referenced proceeding.[3] The *Public Notice* is especially timely because the Commission recently updated its HAC technical rules by adopting the 2011 ANSI C63.19 standard ("2011 ANSI Standard")[4] in the *2011 ANSI Standard Order*.[5]

[1] CTIA is the international organization of the wireless communications industry for both carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

[2] *See* Public Notice, *Updated Information and Comment Sought on Review of Hearing Aid Compatibility Regulations*, 27 FCC Rcd 13448 (WTB 2012) ("*Public Notice*"). The *Public Notice* seeks to update the record gathered in response to Public Notice, *Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations*, 25 FCC Rcd 17566 (WTB 2010) ("*2010 Public Notice*").

[3] CTIA participated in earlier phases of this proceeding. *See* CTIA Comments, WT Docket No. 10-254 (filed Feb.14, 2011) ("*CTIA 2011 Comments*") (filed in response to the *2010 Public Notice*).

[4] *See* Accredited Standards Committee C63® – Electromagnetic Compatibility, *American National Standard Methods of Measurement of Compatibility between Wireless Communications Devices and Hearing Aids*, ANSI C63.19-2011 (May 27, 2011) ("2011 ANSI Standard").

The HAC rules, as implemented by the wireless industry, continue to be a success story for hearing aid users and the wireless industry as well as a model for accessibility policy generally. CTIA respectfully requests the Bureau to recommend that the Commission:

- Stay the course with respect to the current HAC regime, without, for example, adjusting the current rules as they apply to inductive coupling using telecoils, but encouraging the hearing device industry to adopt "off the shelf" standardized technologies that are already supported by wireless manufacturers;
- Recognize that the current rules and the marketplace provide consumers and other stakeholders multiple sources of HAC information;
- Adopt extremely targeted changes to HAC technical requirements, specifically by permitting all service providers and manufacturers to enable users to power down a GSM handset at 1900 MHz in order to achieve an M3 rating and by working with industry to issue as soon as possible guidance for HAC compliance for Voice over Long Term Evolution ("VoLTE") technology;
- Avoid unnecessary rule changes that would complicate industry compliance and Commission enforcement; and
- Work with the Food and Drug Administration ("FDA") and the hearing aid industry, in addition to the wireless industry, to develop a coordinated approach to further enhance the compatibility of hearing aid devices with wireless handsets through innovative technologies and better educate hearing aid device users about the HAC rating system.

Today, there is ample evidence that consumers who use hearing aid devices are able to find HAC-compliant wireless handsets that meet their needs. Wireless service providers and manufacturers offer a wide variety of HAC-certified wireless handsets, across a full range of feature sets and service plans.[6] CTIA's service provider member companies have

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[5] *See Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Third Report and Order, 27 FCC Rcd 3732 (WTB, OET 2012) ("*2011 ANSI Standard Order*").

[6] For example, a review of data from manufacturers' most recent Form 655 HAC reports confirms that consumers have a wide variety of HAC-complaint handsets available to them in the marketplace, on multiple air interfaces with different levels of functionality from multiple carriers. *See* FCC, *Device Manufacturers' Information By Handset, Reporting Period From July 1, 2011 to June 30, 2012*, available at

recently submitted reports to the Commission that demonstrate the wide variety of HAC wireless handsets available to consumers. There are also numerous sources of handset information available to consumers who use hearing aid devices, and the Consumer and Governmental Affairs Bureau ("CGB") has consistently reported few if any consumer complaints relating to HAC compliance.[7]

In adopting the *HAC Policy Statement* in 2010,[8] the Commission established a framework that has fostered and will continue to foster success by promoting the availability of new wireless technologies accessible to hearing aid users, while preserving marketplace innovation. CTIA continues to support the *HAC Policy Statement* and its objectives, which should guide the Bureau's recommendations in this proceeding. The wireless HAC rules have been effective because the Commission has consistently accounted for technical feasibility and product marketability concerns, as required by statute,[9] and has facilitated consensus-based approaches to wireless HAC implementation, whether for benchmarks, technical standards, or consumer disclosure language.

Congress effectively ratified the Commission's HAC rules in the Twenty-First Century Communications and Video Accessibility Act of 2010 ("CVAA").[10] Based on that

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http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1009/DOC-316708A1.pdf (last accessed Dec. 27, 2012).

[7] *See, e.g.*, News, *Quarterly Report of Consumer Inquiries and Informal Complaints for Third Quarter of Calendar Year 2012 Released* (CGB rel. Oct. 25, 2012), available at http://www.fcc.gov/document/third-quarter-2012-consumer-inquiries-and-informal-complaints-report (last accessed Dec. 27, 2013).

[8] *See Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 11167, 11174 ¶ 18 (2010) ("*HAC Policy Statement*").

[9] *See* 47 U.S.C. §§ 610(b)(2)(C), (e).

[10] *See* Twenty-First Century Communications and Video Accessibility Act of 2010, § 102(d), P.L. Nos. 111-260 and 111-265 (2010) ("CVAA") (codified at 47 U.S.C. § 610(h)) (providing that "[n]othing in the Twenty-First Century Communications and Video Accessibility Act of 2010

Congressional vote of confidence and the experience of industry and consumers, the Commission should generally retain these successful rules in their present form.

II. THE EXISTING HAC RULES SERVE BOTH CONSUMERS AND THE WIRELESS MARKETPLACE

A. The HAC Rules Are Fulfilling Their Purpose.

The Commission's 2012 Biennial Report to Congress, required by the CVAA, well describes the comprehensive HAC requirements now in place for wireless handsets,[11] which reflect the implementation of the *HAC Policy Statement* of 2010, together with updates for new industry-led standards and other developments. As that report demonstrates, the Commission has been both methodical and diligent in implementing, updating, and enforcing the rules.[12]

At the same time, consumers' choices among mobile handsets have exploded.[13] The Commission's most recent *Mobile Wireless Competition Report* indicates that in June, 2010, manufacturers offered 302 wireless models, compared to a November, 2006, total of 124 models, an increase of over 143 percent.[14] As this multiplicity of handsets with diverse features has become available, the wireless industry's compliance with the HAC rules and its commitment to

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shall be construed to modify the Commission's regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on the date of enactment of such Act"); s*ee also* H.R. Rep. 111-563, at 25 (2010) (section that became 47 U.S.C. § 617(g)(4) should be interpreted "in a similar manner to the way [the Commission] has implemented its [HAC] rules").

[11] *See Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010, 27 FCC Rcd 12204, 1233-12234 ¶¶ 76-78 (CGB 2012).

[12] *See id*.

[13] *See Public Notice*, 27 FCC Rcd at 13451.

[14] *See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, Fifteenth Report, 26 FCC Rcd 9664, 9848 ¶ 326, Table 29 (2011) ("*Mobile Wireless Competition Report*").

the HAC rating system have provided a wide, innovative array of handset choices at a variety of price points to consumers who use hearing aid devices.

B. The Commission Should Not Alter the Current Rules As They Apply To Inductive Coupling Using Telecoils.

Because the HAC rules are structured to continue to ensure a wide array of handset choices to consumers who use hearing aid devices and the number of available handsets are, in fact, growing dramatically, the Commission should not alter its benchmarks or other rules for wireless handset T-ratings, and/or M-ratings.[15]

Specifically, it is unnecessary and unwarranted to change the HAC rules that govern inductive coupling between handsets and hearing aid devices with telecoils. It is unnecessary to increase the percentage of wireless handsets that must be rated T3 or above, or requiring handsets to be both T3 and M3-rated.[16] Even if the percentage of hearing aid devices with telecoils has increased since 2001,[17] the total number of wireless handsets available has increased over twice as much, by more than 143 percent, since 2006.[18] As this handset growth continues, the current HAC rules with today's required percentages of devices that meet the T3 ratings ensure that a similarly growing variety of compliant handsets with adequate inductive coupling will be available for consumers with hearing aids that use telecoils.

Because consumers manifestly have increasing choices among a variety of wireless handsets to use with their hearing aid devices, there is no reason for the Commission to change

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[15] *See* Letter of Lise Hamlin, Director of Public Policy, Hearing Loss Association of America, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-250, Attachment at 1(Sept. 7, 2012) ("*HLAA Ex Parte*").

[16] *See id.*

[17] *See id.*, Attachment at 1, n. 1(citing a 2008 study that "[m]ore than 60 percent of hearing aids come with telecoils, up from 37 percent in 2001," an increase of about 62 percent).

[18] *Mobile Wireless Competition Report*, 26 FCC Rcd at 9848 ¶ 326, Table 29.

the HAC rules at this time, especially with regard to telecoil coupling. In fact, a mandated emphasis on telecoil coupling would needlessly raise wireless industry (and ultimately consumer) costs while chilling innovation. In contrast to acoustic coupling, telecoil coupling requires special hardware to be inserted into wireless handsets. Such hardware ultimately adds costs to consumers and inhibits innovation as manufacturers must design handsets to satisfy a new regulatory obligation.

Instead of modifying the telecoil coupling requirements, the Commission should look for ways to encourage the hearing aid device industry to adopt "off the shelf" standardized technologies that are already supported by wireless manufacturers, such as Bluetooth. Encouraging the hearing aid industry to adopt an "off the shelf" technology approach will satisfy the goals of the *HAC Policy Statement* to "ensure that all Americans, including Americans with hearing loss, will reap the full benefits of new technologies as they are introduced into the marketplace" by, among other things, providing "industry with the ability to harness innovation to promote inclusion by allowing the necessary flexibility for developing a range of solutions to meet consumers' needs while keeping up with the rapid pace of technological advancement."[19]

C. The Commission's Rules and the Marketplace Provide Consumers and Other Stakeholders Multiple Sources of HAC Information.

The *Public Notice* seeks comment on issues concerning the availability of HAC information to consumers, including whether consumers are adequately informed about the capabilities of new handsets and their functionality with hearing aids and cochlear implants.[20] CTIA believes that consumers have ample and effective sources of information about the HAC

[19] *HAC Policy Statement*, 25 FCC Rcd 11167, 11174 ¶ 18 (2010).

[20] *See Public Notice*, 27 FCC Rcd at 13451.

capabilities of wireless handsets, and recommends that the Commission not alter its disclosure requirements for wireless handset manufacturers and service providers at this time.[21]

The Commission's existing website, point-of-sale, and packaging disclosure and labeling requirements[22] have proven successful in conveying model-specific HAC information to consumers while being manageable for industry. The wireless industry has expended considerable resources to implement these requirements and improve the dissemination of consumer information, including the training of customer care and retail personnel, designing call out cards, updating websites, and redesigning packaging, all in furtherance of the Commission's objective of informing and educating consumers about the HAC capabilities of their handsets. These actions are ongoing. At the same time, the wireless industry has begun CVAA-related training, which will impose additional burdens and responsibilities on many of the same employees and company divisions that are responsible for HAC compliance.

In addition to the basic requirements of the rules, CTIA is working to enhance consumers' online information available via AccessWireless.Org,[23] which provides an easy-to-use and informative experience for consumers searching for information about accessible wireless products and services, including HAC. AccessWireless.Org provides explanations, frequently asked questions ("FAQs") and hosts the Rehabilitation Engineering Research Center

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[21] In this regard, CTIA notes that the FCC Form 655, which service providers and manufacturers must complete annually regarding the hearing aid compatibility status of each handset offered, is principally a monitoring tool for the Commission and should be left unchanged.

[22] *See* 47 C.F.R. §§ 20.19(f), (h).

[23] *See* CTIA, AccessWireless.org, http://www.accesswireless.org/Home.aspx. (stating "[w]elcome to the most complete website designed to help people with disabilities, seniors and their families to find a cell phone and service! CTIA-The Wireless Association® and the wireless industry created AccessWireless.org to be your "first stop" to learn about the ever-changing world of cell phones and wireless services, and discover those that meet your specific needs.").

for Wireless Technologies' ("Wireless RERC") five-part video series exclusively focused on the Commission's HAC rules. In fact, groups such as HLAA reference on their websites the consumer information available on AccessWireless.org.[24] Those websites also include lists of HAC-compliant handsets and links to various resources for finding a HAC-compliant handset.[25]

Moreover, consistent with CTIA's voluntary Consumer Code for Wireless Service, CTIA's wireless carrier members afford postpaid customers a minimum 14 day trial period with no early termination fee that enables hearing aid users to test the service and handset with their hearing aid devices outside the retail store.[26]

Based on these positive developments and ongoing Commission and industry efforts, the Bureau should not recommend any additional disclosure rules for wireless service providers or manufacturers at this time, or additional disclosure requirements for wireless providers' independent agents and dealers, many of which are small businesses.[27] As discussed in Section V below, the most effective method of improving the usefulness of handset HAC information for consumers in the near term will be for hearing aid device manufacturers to participate more actively in the HAC rating and disclosure system with respect to hearing aid devices.

D. CTIA Lauds the Commission for Incorporating the 2011 ANSI Standard into its Rules While Providing Adequate Compliance Periods.

CTIA believes that the Bureau and the Office of Engineering and Technology ("OET") took an important step earlier in 2012 to preserve and extend the usefulness of the Commission's

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[24] *See* HLAA, http://www.hearingloss.org/content/telephones (directs to AccessWireless.org); http://www.hearingloss.org/content/hearing-aid-compatibility-videos-choosing-cell-phone-works-you (links to Wireless RERC HAC video series on AccessWireless.org).

[25] *See, e.g.*, HLAA, http://www.hearingloss.org/sites/default/files/docs/QAonHAC_cellphones.pdf (HAC Q &A).

[26] *See* CTIA, Consumer Code for Wireless Service, http://files.ctia.org/pdf/The_Code.pdf.

[27] *See Public Notice*, 27 FCC Rcd at 13453.

HAC regime by adopting the 2011 ANSI Standard in the *2011 ANSI Standard Order*.[28] In response to the *Public Notice*,[29] CTIA believes that the 2011 ANSI Standard adequately and completely measures new handsets' hearing aid compatibility. However, as discussed below,[30] the Commission should work with the wireless industry and standards bodies to issue the technical guidance discussed in the *2011 ANSI Standard Order* with respect to VoLTE.[31]

As noted in that Order, codification of the 2011 ANSI standard serves the public interest by applying the Commission's hearing aid compatibility rules to operations over additional frequency bands and air interface technologies. The new testing methodologies in the 2011 ANSI Standard also improve the measurement of potential hearing aid interference.[32] Moreover, the phase-in periods for incorporation of the new standard help to avoid major compliance or implementation issues with respect to newly covered frequency bands and air interfaces. In short, adoption of the 2011 ANSI Standard helps ensure that wireless handset manufacturers can comply with the Commission's rules while offering innovative wireless handsets to consumers.

Although HLAA has raised concerns that consumers have experienced interference with mobile devices that they thought were hearing-aid-compatible,[33] the HAC rating and disclosure system requires both the hearing aid device and the wireless handset to take appropriate steps to reduce interference.[34] The Commission's rigorous HAC regulatory regime for wireless handset

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[28] *See id*. at13452.

[29] *See id*. at 13451-13452 and n. 23.

[30] *See infra* Section III.B.

[31] *See 2011 ANSI Standard Order*, 27 FCC Rcd 3732, 3737 ¶ 12.

[32] *See id*. at 3736 ¶ 10.

[33] *See Public Notice* 27 FCC Rcd at 13452 n. 23, *citing HLAA Ex Parte*.

[34] *See, e.g.*, FDA, Hearing Aids and Cell Phones, http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer/ConsumerProducts/HearingAids/ucm181478.htm (stating that "[h]earing aid manufacturers use a

manufacturers and service providers ensures that HAC-compliant mobile handsets will be compatible with hearing aid devices if the hearing aid devices themselves meet the HAC rating standards.

Thus, the Commission should develop a coordinated approach with the wireless industry, FDA and the hearing aid device industry to appropriately educate the hearing aid device consumers about the HAC rating system. Moreover, in light of the many diverse types of handsets available today, individuals who use hearing aid devices should try multiple wireless handsets with their hearing aids to determine what handsets and devices work best together for them, a very individualized decision.

E. There is No Need to Alter the Definition that Covered Handsets are Those "Typically Held to the Ear," Which Is Self-Explanatory.

Even with the introduction of wireless handsets, tablets, and similar devices in new sizes and form factors, it is sufficiently clear when a device is "typically held to the ear in any of its ordinary uses" and therefore subject to the HAC rules.[35] The phrase "typically held to the ear" is recognized to refer to wireless devices that are more likely to cause interference with hearing aid devices worn in or around the ear due to the wireless devices' proximity to the hearing aid device. If any further clarification is necessary, the Commission should recognize that the manufacturer's intent for how the wireless device will be used is paramount to determining whether the device is "typically held to the ear in any of its ordinary uses" for HAC compliance purposes. Although individuals can successfully use wireless devices in many physical

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similar rating system [to that for cell phones]. The hearing aid ratings and the cell phone ratings can be combined to help identify combinations that will provide you with a positive experience. So, a hearing aid rated M2 and a wireless device rated M3 with a combined rating of 5 and would likely provide 'normal' use. A ratings combination of 6 would likely provide 'excellent performance'. Every individual's hearing aid technology and settings are unique; therefore, these ratings do not guarantee performance.") (last accessed Dec. 28, 2012).

[35] *See Public Notice*, 27 FCC Rcd at 13452; 47 C.F.R. § 20.19(a)(3)(i).

positions, manufacturers should not be held accountable for HAC compliance when consumers operate their devices in ways for which the devices are not designed.[36]

F. The Commission Should Not Adopt TIA's Wireline Volume Control and Amplification Standard at This Time.

The *Public Notice* invite comment on the potential "relevance and benefits in the mobile context" of a new standard for wireline telephones released by the Telecommunications Industry Association ("TIA Wireline Standard") that addresses volume control and amplification.[37] CTIA urges caution in this area.

The Commission should permit the wireless industry to continue the ANSI C63 voluntary standards process including, if applicable, any private sector input regarding the TIA Wireline Standard. It would be premature and confusing to consumers to attempt to graft the TIA Wireline Standard onto the existing wireless HAC rules at this time.

The Commission has achieved great success in the wireless HAC arena by basing its rules on the ANSI HAC C63.19 standard and rating system, with the *2011 ANSI Standard Order* being the Commission's most recent updating of the HAC technical requirements. In contrast to the 2011 ANSI Standard, the TIA Wireline Standard is designed for wireline phones and terminals, not wireless handsets. It is unclear at present whether the wireline industry's experience with that new standard will provide useful input to the ANSI C63 voluntary standards process or to other wireless standards efforts such as the 3rd Generation Partnership Project

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[36] *Cf.*, CVAA § 203(a) (applying closed captioning decoder and video description capability, if technically feasible, to apparatus ***designed to*** receive or play back certain video programming).

[37] *See Public Notice*, 27 FCC Rcd at 13452, *citing* ANSI/TIA-4953:2012, Telecommunications Telephone Terminal Equipment Amplified Telephone Measurement Procedures and Performance Requirements (Aug. 2012); ANSI/TIA-4965:2012, Telecommunications Telephone Terminal Equipment Receive Volume Control Requirements for Digital and Analog Wireline Handset Terminals (Oct. 2012) ("TIA Wireline Standard").

("3GPP")[38] and 3GPP2.[39] Rather than acting prematurely, the Commission should permit industry to address these issues through voluntary standards processes.

III. ONLY TARGETED CHANGES TO HAC TECHNICAL REQUIREMENTS ARE NECESSARY

A. All Service Providers and Manufacturers Should Be Eligible to Enable Users to Power Down A GSM Handset at 1900 MHz to Achieve an M3 Rating.

The *Public Notice* asks whether, in light of the Commission's adoption of the 2011 ANSI Standard, it is still "necessary and appropriate" to allow GSM wireless handsets operating at 1900 MHz to achieve an M3 rating by means of a user-controlled power reduction.[40] The answer is yes. Even under the 2011 ANSI Standard, GSM handsets operating at 1900 MHz will be challenged to achieve an M3 rating. The use of a generally available power reduction option at 1900 MHz thus will serve the public interest by increasing the availability of new and innovative handsets that are HAC-certified. As CTIA noted in 2010,[41] the Commission should permit all manufacturers and service providers generally, regardless of size, to utilize a software solution that enables the end user to reduce the maximum power of a GSM handset at 1900 MHz in all circumstances with appropriate disclosures. Accordingly, the Commission should alter its rules to eliminate the size limitation in the current power-down rule provision.[42]

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[38] 3GPP is a collaborative wireless standards project based on the GSM standard conducted by a cross-sector group of private-sector telecommunications associations and their members. *See* About GPP, http://www.3gpp.org/About-3GPP.

[39] 3GPP2 is a collaborative wireless standards project based on the CDMA standard conducted by a cross-sector group of private-sector telecommunications associations and their members. *See* About 3GPP2, http://www.3gpp2.org/Public_html/Misc/AboutHome.cfm .

[40] *See Public Notice*, 27 FCC Rcd at 13452.

[41] *See* Comments of CTIA, WT Docket No. 07-250, at 13 (filed Oct. 25, 2010).

[42] *See* 47 C.F.R. § 20.19(e)(iii). A petition is pending for reconsideration of this rule. *See* Petition for Partial Reconsideration of LG, Motorola, Nokia, Research In Motion, Samsung, and Sony Ericsson, WT Docket No. 07-250 (filed Oct. 8, 2010) ("Petition").

B. The Commission Should Work with Industry to Issue Guidance for VoLTE HAC Compliance.

In adopting the *2011 ANSI Standard Order*, the Commission recognized that further technical guidance is necessary to enable hearing aid compatibility testing under the 2011 ANSI Standard for VoLTE transmissions.[43] As mentioned above, the Commission should accelerate its efforts to work with industry to issue this guidance before seeking to enforce HAC for VoLTE devices. Such guidance is especially timely because VoLTE services and devices are on the verge of coming to market but are still under development.

IV. UNNECESSARY RULE CHANGES WOULD COMPLICATE INDUSTRY COMPLIANCE AND REPORTING AND COMMISSION ENFORCEMENT

The *Public Notice* requests comment on the "costs and benefits of the Commission's hearing aid compatibility reporting and enforcement regime ."[44] The wireless industry is still gaining experience with the Commission's HAC enforcement and reporting regime and is seeking to improve its compliance with the rules. In particular, the FCC Form 655 is challenging to complete and update, and companies are only now mastering the myriad details that are needed for successful filing. Unnecessary changes to the HAC rules would only hinder these compliance efforts.

V. FURTHER JOINT EFFORTS WITH HEARING AID MANUFACTURERS ARE NEEDED

Compatibility between wireless handsets and the hearing aid devices used by consumers can only improve if there is more meaningful participation by hearing aid manufacturers in the existing HAC rating and disclosure system. As noted above, the HAC rating and disclosure system requires both the hearing aid device manufacturer and the wireless handset manufacturer

[43] *See 2011 ANSI Standard Order*, 27 FCC Rcd 3732, 3737 ¶ 12.

[44] *See Public Notice*, 27 FCC Rcd at 13452.

to take appropriate steps to alert consumers to potential inference issues. Wireless handsets already are subject to the Commission's comprehensive HAC regulatory regime. Rather than increasing burdens on wireless handsets, regulators should work with hearing aid manufacturers to ensure full participation in the HAC rating and disclosure efforts by educating their hearing aid device customers about the RF immunity levels and coupling capabilities of their hearing aid devices.[45]

CTIA believes the Commission can work with the FDA and the hearing aid industry, in addition to the wireless industry, to develop a coordinated approach to further enhance the compatibility of hearing aid devices with wireless handsets through innovative technologies and better educate hearing aid device users about the HAC rating system.[46] Given the Commission's

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[45] A review of the websites of major hearing aid device manufacturers indicates that, although information about the HAC rating system and individual immunity ratings may appear in the user manuals of individual hearing aid devices, HAC and immunity information is otherwise not readily available. *See*, e.g., Starkey Hearing Technologies, http://www.starkey.com/; Phonak LLC, http://www.phonak.com/com/b2c/en/home.html; Siemens Hearing Instruments USA, http://hearing.siemens.com/us/en/home/home.html; ReSound US, http://www.gnresound.com/ ; *see also* Beltone, http://www.beltone.com/index-mobile-test.aspx (referencing cell phone use in FAQs: "Beltone Promise™ hearing aids use advanced "wireless" technology designed for phone use, making them your best option to enjoy clear cell phone conversations, that can even be 'hands-free.' And, placing the phone on one ear automatically reduces hearing aid volume on the other ear, so 'room noise' is reduced, and it's easy to hear your phone conversation.") (all pages last accessed Dec. 27, 2012).

In this regard, the Hearing Industries Association does not provide information about compatibility with mobile handsets on its webpage, but instead links to the Better Hearing Institute, which does provide information on selecting a compatible phone. *See* Hearing Industries Association, http://www.hearing.org/, *linking* Better Hearing Institute, http://www.betterhearing.org/, which can be searched for links such as http://www.betterhearing.org/hearing_loss_treatment/hearing_aids/VoltaVoice-CellPhoneBuyingGuide1_09.pdf (all pages last accessed Dec. 27, 2012).

[46] The FDA provides consumer information about hearing aid devices and cell phones that explains the HAC rating system in easy-to-understand terms. *See* FDA, Hearing Aids and Cell Phones, http://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer/ConsumerProducts/HearingAids/ucm181478.htm (last accessed Dec. 27, 2012).

existing jurisdiction over hearing aid devices,[47] it makes far more sense for the Commission to facilitate such a coordinated effort with the hearing aid device industry than to attempt to subject wireless handsets alone to premature regulation.

[47] *See* 47 U.S.C. § 302a(a) :

> The Commission may, consistent with the public interest, convenience, and necessity, make reasonable regulations…governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications.

Id.

VI. CONCLUSION

To continue the success of the current HAC regulatory regime for consumers and industry participants alike, the Bureau should recommend that the Commission take actions consistent with CTIA's recommendations above.

Respectfully submitted,

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